



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 10/28/2004
PAGE: 1 of 1

SUBJECT: C14-04-0132 - Oriens Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4901-5425 East 51st Street (southeast corner of East 51st Street and Eastern Parkway) (Walnut Creek Watershed) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Solar Star Realty (Bill Welch). Agent: Bury & Partners (Jim Gallegos). City Staff: Staff: Robert Heil, 974-2330.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0132 (Oriens Park – 3 of 3)**P.C. DATE:** September 14, 2004**ADDRESS:** 4901-5424 E 51st Street**OWNER/APPLICANT:** Solar Star Realty (Bill Welch)**AGENT:** Bury & Partners
(Jim Gallegos)**ZONING FROM:** SF-6-NP and CS-MU-CO-NP **TO:** SF4-A-NP **AREA:** 11.730 acres**SUMMARY STAFF RECOMMENDATION:**

Staff supports the requested change from General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Overlay (CS-MU-CO-NP) combining district and Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning.

PLANNING COMMISSION RECOMMENDATION:

September 14, 2004: Planning Commission recommended change from General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Overlay (CS-MU-CO-NP) combining district and Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning. (Vote 8-0).

DEPARTMENT COMMENTS:

The subject area consists of one vacant tract currently zoned Commercial Services-Mixed Use (CS-MU-CO-NP) and Townhouse and Condominium Residence (SF-6-NP). The site fronts East 51st Street and Eastern Parkway, which has been constructed. The adjacent tracts to the west and south are also vacant, and are zoned SF-6-NP. To the north is additional vacant land zoned CS-MU-CO-NP. To the east lie two churches on land zoned CS-NP and LI-CO-NP. Please see Exhibits A (Zoning Map) and B (Aerial View).

An easement for an existing natural gas pipeline runs along the western boundary of the property. Appropriate setbacks for safety will have to be enforced during the site plan approval process.

Two of the adjacent tracts to the west are also being brought forth as separate cases by the same owner for rezoning to SF-4A-NP.

The applicant is proposing SF-4A-NP zoning for the construction of single family residences on lots of approximately 3600 square feet. The applicant has also stated his intention to vacate the existing subdivision on this and the related two tracts.

Staff supports the requested change to SF-4A-NP Single Family Residence (Small Lot).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-6-NP	Vacant
<i>North</i>	CS-MU-CO-NP	Vacant
<i>South</i>	SF-6-NP	Single-Family
<i>East</i>	CS-NP and LI-CO-NP	Religious Assembly
<i>West</i>	SF-6-NP	Vacant

AREA STUDY: East MLK Combined Neighborhood Plan **TIA:** N/A

WATERSHED: Walnut

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- JJ Seabrook Neighborhood Association
- Mueller Neighborhood Coalition
- Pecan Springs – Springdale Neighborhood Association
- Windsor Park Neighborhood Association

SCHOOLS: (AISD)

Pecan Springs Elementary

Pearce Middle

Reagan High

CASE HISTORIES:

There are no recent case on the property.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
East 51 st Street	90'	2@24'	Arterial
Eastern Parkway	100'	Not constructed	Collector
Mandalay Drive	90'	Not constructed	Collector

- Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: 10/28/04

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

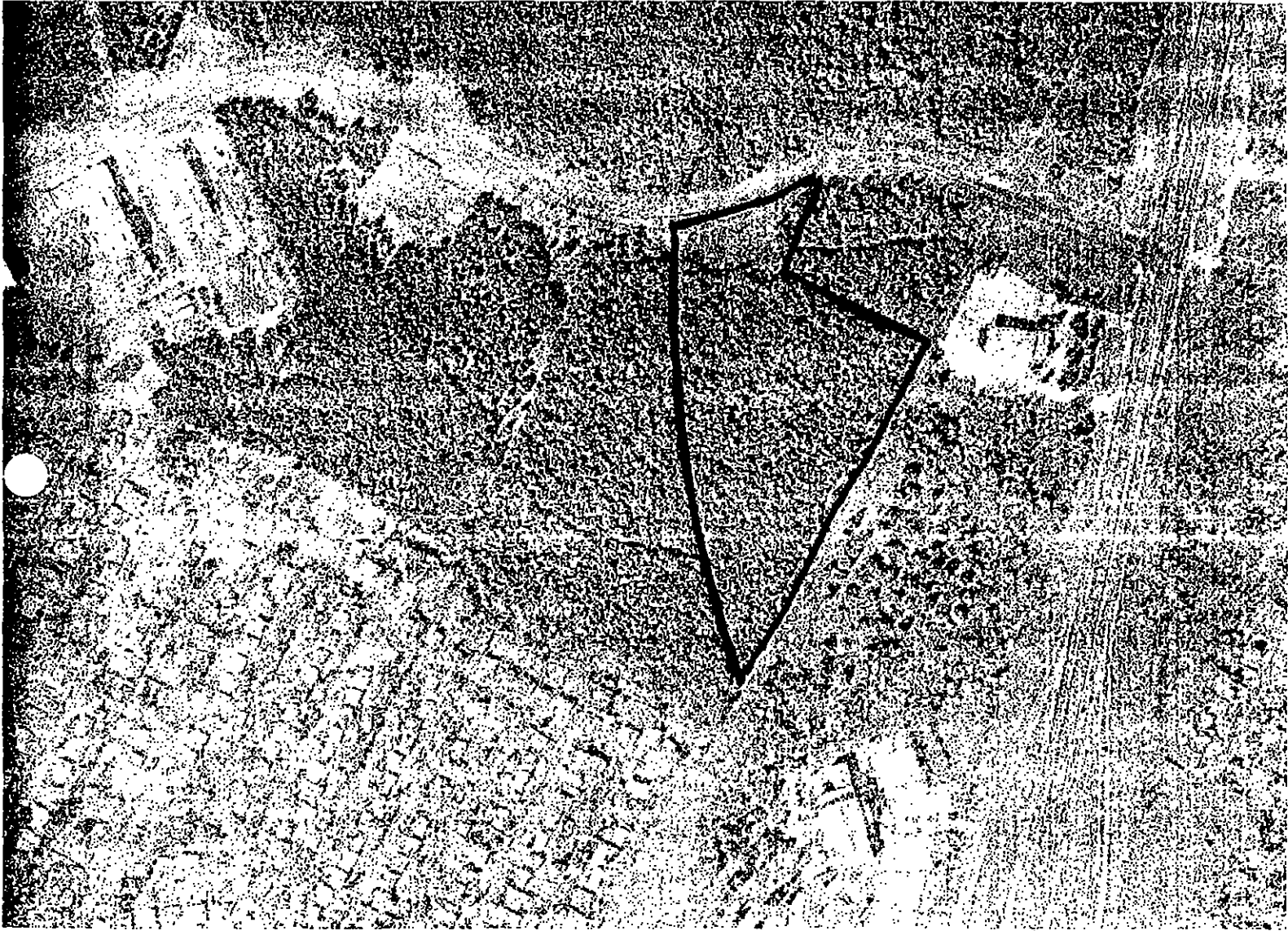
ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330

C14-04-0132

Exhibit B



SUMMARY STAFF RECOMMENDATION**C14-04-0132**

Staff supports the requested change from General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Overlay (CS-MU-CO-NP) combining district and Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning.

BACKGROUND

The subject area consists of one vacant tract currently zoned Commercial Services-Mixed Use (CS-MU-CO-NP) and Townhouse and Condominium Residence (SF-6-NP). The site fronts East 51st Street and Eastern Parkway, which has been constructed. The adjacent tracts to the west and south are also vacant, and are zoned SF-6-NP. To the north is additional vacant land zoned CS-MU-CO-NP. To the east lie two churches on land zoned CS-NP and LI-CO-NP. Please see Exhibits A (Zoning Map) and B (Aerial View).

An easement for an existing natural gas pipeline runs along the western boundary of the property. Appropriate setbacks for safety will have to be enforced during the site plan approval process.

Two of the adjacent tracts to the west are also being brought forth as separate cases by the same owner for rezoning to SF-4A-NP.

The applicant is proposing SF-4A-NP zoning for the construction of single family residences on lots of approximately 3600 square feet. The applicant has also stated his intention to vacate the existing subdivision on this and the related two tracts.

Staff supports the requested change to SF-4A-NP Single Family Residence (Small Lot).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should be consistent with an adopted area study or neighborhood plan.*

The development of small lot residential uses on this tract is consistent with the East MLK Combined Neighborhood Plan.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

SF-4A Single Family Residence (Small Lot) is intended as an area for moderate density single family residence use, with a minimum lot size of 3,600 square feet. In appropriate location, small lot single-family use is permitted under standards which maintain single-family neighborhood characteristics.

EXISTING CONDITIONS**Site Characteristics**

The site is currently vacant. There appear to be no significant topographical constraints on the site. There is an easement for a natural gas pipeline along the eastern edge of the property.

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site lies in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this part of the site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

According to flood plain maps, there is no flood plain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 1361 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
East 51 st St	90'	2 @ 24'	Collector
Eastern Parkway	100'	Not constructed	Collector
Mandalay Drive	90'	Not constructed	Collector

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards. Along the north, south & west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

MEETING SUMMARY

DRAFT- Pending PC Approval

CITY PLANNING COMMISSION

September 14, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. **COMMENCE 6:10PM; ADJOURN ~11:30PM**

____ John-Michael Cortez

____ Matthew Moore, Secretary

____ Cid Galindo

____ Jay Reddy

____ Matt Hollon, Asst. Secretary

____ Chris Riley, Chair

____ Cynthia Medlin, Vice-Chair

____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS

APPROVAL OF MINUTES

2. Approval of minutes from August 10, 2004 and August 24, 2004.

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, JMC-2nd; JR, MH, DS- ARRIVED LATE)

DISCUSSION AND ACTION

MEETING SUMMARY**DRAFT- Pending PC Approval**

- 8. Rezoning:** **C14-04-0132 - Oriens Park**
Location: 4901-5425 E. 51st Street, Walnut & Little Walnut Watershed, Pecan Springs/Springdale NPA
Owner/Applicant: Solar Star Realty (Bill Welch)
Agent: Bury & Partners (Jim Gallegos)
Request: SF-6-NP & CS-MU-CO-NP to SF-4A-NP
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

Commissioner Sullivan expressed concern about reducing commercial zoning. Jim Gallegos, with Bury and Partners, said they do not control the land between East 51st Street and Tannehill. Commissioner Hollon expressed his similar concern about the proposed large block of SF. Commissioner Sullivan said there is a requirement that the proposed street must connect to the existing street, and would see the subdivision either with a connected street or a variance request not to connect.

MOTION: CLOSE PUBLIC HEARING**VOTE: 8-0 (DS-1st, JMC-2nd)****MOTION: APPROVE STAFF RECOMMENDATION****VOTE: 8-0 (DS-1st, JMC-2nd)**

Commissioner Reddy said that would like to keep the mixed-use zoning on the property. Commissioner Sullivan said that three different zoning districts provides a mixture of residential (SF-2, SF-6 and SF-4a). Commissioner Riley suggested the Commission look at permitting SF-4A in MU.

- 9. Zoning:** **C14-04-0078 - Rainey Street Neighborhood Zoning Tract A**
Location: South of Cesar Chavez and Davis Street, North of River Street and West of Red River and Rainey Street, Town Lake Watershed, N/A NPA
Owner/Applicant: City of Austin
Agent: City of Austin-Neighborhood Planning Department (Glenn Rhoades)
Request: From CBD-CURE, CS, MF-3 and SF-3 to CBD
Staff Rec.: **RECOMMENDED**
Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
 Neighborhood Planning and Zoning

DISCUSSION (ITEMS 3, and 9-16)

George Adams presented the staff recommendation for changes to the Rainey Street area.

Commissioner Riley asked what the rationale is for making the owner renovate the houses being moved to the enclave. Mr. Adams explained that the upzoning to CBD adds value. Moving and